

Guide to writing a complaint using either form Intervention Affidavit 530 Statement of Fact 514A

Limitations

We are not authorized to provide legal advice!

We cannot tell you to file or not to file!

We cannot tell you if you have a valid complaint!

A person who is aggrieved by an alleged violation may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Division a written affidavit that sets forth the facts constituting the alleged violation.

NRS.116.760

NRS 116.760 Right of person aggrieved by alleged violation to file affidavit with Real Estate Division; procedure for filing affidavit; administrative fine for filing false or fraudulent affidavit.

1. Except as otherwise provided in this section, a person who is aggrieved by an alleged violation may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Division a written affidavit that sets forth the facts constituting the alleged violation. The affidavit may allege any actual damages suffered by the aggrieved person as a result of the alleged violation.

2. An aggrieved person may not file such an affidavit unless the aggrieved person has provided the respondent by certified mail, return receipt requested, with written notice of the alleged violation set forth in the affidavit. The notice must:

(a) Be mailed to the respondent's last known address.

(b) Specify, in reasonable detail, the alleged violation, any actual damages suffered by the aggrieved person as a result of the alleged violation, and any corrective action proposed by the aggrieved person.

3. A written affidavit filed with the Division pursuant to this section must be:

(a) On a form prescribed by the Division.

(b) Accompanied by evidence that:

(1) The respondent has been given a reasonable opportunity after receiving the written notice to correct the alleged violation; and

(2) Reasonable efforts to resolve the alleged violation have failed.

4. The Commission or a hearing panel may impose an administrative fine of not more than \$1,000 against any person who knowingly files a false or fraudulent affidavit with the Division.

Types of Complaints

- ▶ Intervention Affidavit – 530A (instructions)
530 (form)
- ▶ Statement of Fact– 514A
- ▶ Alternative Dispute Resolution–
523(instructions)
520 form * additional forms–521 Respondent
668 subsidy form

Intervention Affidavit

The Letter to Respondent

Who could be the respondent:

Board member

Whole board

Community manager

The Letter to Respondent

Date the letter

Type the letter when possible

Avoid inflammatory comments

Write all complaints in one letter– you are only allowed to discuss what is addressed in the letter at the time of informal conference

Multiple complaints'–have one spokesperson

Photo's are relevant and why


The Letter to Respondent

Clear understanding that you are complaining—not just asking

Example:



- ❑ I am complaining about the following actions..
- ❑ Please be advised that I am requesting the following information **or response** and if I am unable to obtain the requested information **or response**, I will be filing a complaint with Nevada Real Estate Division

U.S. Postal Certified Mail/ Signature Cards

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
 9590 9402 2019 6123 7439 61		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

Card is green in color

U.S. Postal Certified Mail/ Signature Cards

USPS TRACKING#			First-Class Mail Postage & Fees Paid USPS Permit No. G-10
			
9590 9402 2019 6123 7439 61			
United States Postal Service	<div>• Sender: Please print your name, address, and ZIP+4® in this box•</div>		

Card is green in color

U.S. Postal Certified Mail/ Signature Cards

7016 2070 0000 4948 3133		7016 2070 0000 4948 3133	
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.		7016 2070 0000 4948 3133	
CERTIFIED MAIL		7016 2070 0000 4948 3133	
		7016 2070 0000 4948 3133	
		7016 2070 0000 4948 3133	
U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>			
For delivery information, visit our website at www.usps.com ®.			
OFFICIAL USE			
Certified Mail Fee \$		Postmark Here	
Extra Services & Fees (check box, add fee as appropriate)			
<input type="checkbox"/> Return Receipt (hardcopy) \$			
<input type="checkbox"/> Return Receipt (electronic) \$			
<input type="checkbox"/> Certified Mail Restricted Delivery \$			
<input type="checkbox"/> Adult Signature Required \$			
<input type="checkbox"/> Adult Signature Restricted Delivery \$			
Postage \$			
Total Postage and Fees \$			
Sent To			
Street and Apt. No., or PO Box No.			
City, State, ZIP+4®			
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions			

Tips on sending in Complaint

- ▶ Green card attached to original letter sent
- ▶ Signature card attached to complaint
- ▶ You must sign the affidavit in the presence of the notary and the affidavit must then be notarized by the notary public
- ▶ Type all correspondence, letters and complaints–if possible
- ▶ Tab markers to exhibits
- ▶ List of others for additional information–avoid having separate affidavits sent
- ▶ Avoid email submission–due to requirements of signatures and hard copies of green card/signature cards

The Intervention Complaint

a. You are required to state the alleged violations.

- ▶ State just the facts of violation
- ▶ Clear and concise
- ▶ Take emotions out of information
- ▶ Avoid story telling—more is not necessarily better
- ▶ Tab exhibits
- ▶ Add additional names and phone numbers

Efficient identification of the allegations.

b. You are required to state the law and/or governing document violation(s) that have been violated.

- ▶ Supporting NRS statute – be sure to list whole statute
- ▶ Be sure statute or governing document wording supports your violation
- ▶ List the specific portion of the governing document
- ▶ List specific statute section

Efficient identification of the allegations.

c. You are required to state a brief statement of the facts that may give context to the alleged violation(s).

- List the facts, only the facts
- ▶ Provide the actions which you feel represent the violation
- ▶ Actions, documents, emails, comments which support allegations of violation
- ▶ Avoid digressing—keep to main topic

The Intervention Complaint

d. You are required to indicate how you think the allegations should be resolved.

- ▶ Be specific
- ▶ Give time frames if they apply
- ▶ If it was in the past how to ensure it does not happen again in the future
- ▶ Provide solutions, examples
- ▶ Avoid rambling
- ▶ Avoid negative comments

The Intervention Complaint

- e. Please begin your statements in the space provided on the form. If additional space is needed, you may attach additional pages.
- f. DO NOT WRITE “SEE ATTACHED” and then attach documents. Affidavits received with “SEE ATTACHED” WILL NOT BE PROCESSED.

Hand write on form and then type “attached”

Quality over Quantity

Keep focus towards the complaint on the letter

Keep documents relevant to complaint

Flow of information

Who-What-Where-Why-How

Who– who are you complaining about

What– what happened, names, dates, correspondence, pictures (only what is needed)

Where–explain times and places of occurrences if they apply

Why–list supporting law– specific #- why you feel it is a violation of statute or governing document

How–how do you want this resolved? What needs to happen to resolve this issue.

Example

Begin with filling out form 530 and start listing of incident on form!

Individual Involved :

Board for Brightstar HOA
1234 W. Las Vegas, NV 89031
702-458-7895

Incidents:

December 6, 2016 –received violation letter for weeds with automatic fine
December 26, 2016 received bill for daily weed violation

Complaint:

Improper violation procedure followed
Board sent violation letter with an automatic fine
Refusal of hearing
No time to correct situation
Charged additional fines on a daily basis

Example

Begin with filling out form 530 and start listing of incident on form!

Supporting Documents :

Copy of violation letter

Copy of violation bill

Email request for hearing

Email request for cancelation of weed fines

Refusal letter board for a hearing

Statutes:

NRS 116.31031 Power of executive board to impose fines and other sanctions for violations of governing documents

Example

Begin with filling out form 530 and start listing of incident on form!

Violation Statutes:

NRS 116.31031 Power of executive board to impose fines and other sanctions for violations of governing documents

NRS 116.31031(4B1)– Specifying in detail the alleged violation, the proposed action to cure the alleged violation, the amount of the fine, and the date, time and location for a hearing on the alleged violation

NRS 116.31031(6) The executive board must hold a hearing before it may impose the fine, unless the fine is paid before the hearing or unless the unit's owner and, if different, the person against whom the fine will be imposed:

- (a) Executes a written waiver of the right to the hearing; or
- (b) Fails to appear at the hearing after being provided with proper notice of the hearing.

NRS 116.31031(7) If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without providing the opportunity to cure the violation and without the notice and an opportunity to be heard required by paragraph (b) of subsection 4.

Example

Begin with filling out form 530 and start listing of incident on form!

Resolutions:

Cancellation of violation

Cancellation of additional fines

Picture of weeds–any future incidents

Proper notification and opportunity to attend a hearing

If a violation, at least 14 days to cure violation

Statement of Fact

Form 514A

Complaint form against a community manager

No jurisdiction over management company

NRS 116.757 Confidentiality of records

Certain records relating to complaint or investigation deemed confidential; certain records relating to disciplinary action deemed public records.

1. Except as otherwise provided in this section and [NRS 239.0115](#), a written affidavit filed with the Division pursuant to [NRS 116.760](#), all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission are confidential. The Division shall not disclose any information that is confidential pursuant to this subsection, in whole or in part, to any person, including, without limitation, a person who is the subject of an investigation or complaint, unless and until a formal complaint is filed pursuant to subsection 2 and the disclosure is required pursuant to subsection 2.

2. A formal complaint filed by the Administrator with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to [NRS 116.745](#) to [116.795](#), inclusive, are public records.

NAC 116A.350

NAC 116A.350 Allegations of misconduct; submission of complaint; investigation and report; action by Administrator; appeal. ([NRS 116A.200](#), [116A.400](#), [116A.410](#))

1. If a person who alleges that a community manager is guilty of misconduct sends the allegations of misconduct in writing to the community manager in an attempt to resolve the issue without filing a complaint with the Division, the community manager shall, in good faith, acknowledge and respond in writing to the person making the allegations within 12 working days after he or she receives the allegations.

2. A complaint about a community manager must:

- (a) Be submitted to the Division on a form provided by the Division;
- (b) Be signed by the person submitting the complaint; and
- (c) Include, without limitation:

(1) The identity of the community manager who is alleged to have violated a provision of this chapter or [chapter 116](#) of NRS, and the nature of the alleged violation;

(2) All evidence supporting the allegations, including, without limitation, as appropriate, corroborating statements by other persons or specific information as to persons who may be contacted to provide such corroboration;

(3) The name, address and telephone number of the person submitting the complaint;

(4) Documents that evidence an attempt by the person submitting the complaint to resolve the issue with the executive board or the community manager, including, without limitation, any written response of the executive board or the community manager to the allegations of the person submitting the complaint; and

(5) If filed by a tenant of a unit's owner, ratification of the complaint by the unit's owner without the use of a power of attorney by the tenant.

3. Upon receipt of a complaint that complies with subsection 2, the Division shall forward the complaint to an investigator. The investigator:

(a) Shall send a copy of the complaint to the community manager and the executive board of any association which relates to the subject of the complaint;

(b) Within 12 working days after the receipt of the allegations, shall attempt to obtain a response in writing from the person who is the subject of the complaint;

(c) May make such inquiries and investigation into matters relating to the allegations in the complaint as the investigator deems appropriate; and

(d) Shall submit to the Administrator a written report that summarizes the findings and conclusions of the investigator.

NAC116A.350

If a person who alleges that a community manager is guilty of misconduct sends the allegations of misconduct in writing to the community manager in an attempt to resolve the issue without filing a complaint with the Division, the community manager shall, in good faith, acknowledge and respond in writing to the person making the allegations within 12 working days after he or she receives the allegations.

Statement of Fact – 514A

A complaint about a community manager must:

- (a) Be submitted to the Division on a form provided by the Division;
- (b) Be signed by the person submitting the complaint; and
- (c) Include, without limitation:
 - (1) The identity of the community manager who is alleged to have violated a provision of this chapter or chapter 116 of NRS, and the nature of the alleged violation;
 - (2) All evidence supporting the allegations, including, without limitation, as appropriate, corroborating statements by other persons or specific information as to persons who may be contacted to provide such corroboration;
 - (3) The name, address and telephone number of the person submitting the complaint;
 - (4) Documents that evidence an attempt by the person submitting the complaint to resolve the issue with the executive board or the community manager, including, without limitation, any written response of the executive board or the community manager to the allegations of the person submitting the complaint; and
 - (5) If filed by a tenant of a unit's owner, ratification of the complaint by the unit's owner without the use of a power of attorney by the tenant.

Statement of Fact

There is no statutory requirement of certified letter to the community manager or signature card required.

Allow the Community Manager a minimum of twelve (12) business days to respond before filing a complaint to the Division.

Statement of Fact

The identity of the community manager

The nature of the alleged violation

Documents that evidence an attempt by the person submitting the complaint to resolve the issue with the executive board or the community manager, including, without limitation, any written response of the executive board or the community manager to the allegations of the person submitting the complaint

All evidence supporting the allegations, including, without limitation, as appropriate, corroborating statements by other persons or specific information as to persons who may be contacted to provide such corroboration;

The name, address and telephone number of the person submitting the complaint

Guide to Statement of Fact

Provide individual involved–community manager
(board member)

Keep to specific details of incident–dates, names

What makes you believe this is a violation of NRS

Attach any supporting documentation

List specific NRS/NAC statute or governing document
which was violated –direct correlation of action to
violation of statutes

Example

Begin with filling out form 514A and start listing of incident on form!

Individual Involved :

April Sunshine
Community Manager for Brightstar HOA
1234 W. Las Vegas, NV 89031
702-458-7895

Incidents:

January 6, 2016– written email requesting ability to review management contract for April Sunshine

March 1, 2016–response to January 6, 2016 request

March 6, 2016 billed \$15 hour for review of management contract

Complaint– April Sunshine failed to respond within the 21 days for a request to review contract
Contract was not signed by April Sunshine
Charged \$15 per hour vs \$10 hours
New board members not given copy of contract

Complaint of April Sunshine

Correspondence included in complaint packet:

- ✓ Copy of email sent to community manager requesting review of contract
- ✓ Copy of March email response refusing to allow review of contract and then additional email allowing the review
- ✓ Picture of unsigned contract by all parties
- ✓ Bill of \$15 hour for reviewing contract
- ✓ Email requesting charge changed to \$10 per statute and refusal response
- ✓ Audio tape March meeting asking new board members (6 months into position) if they had been presented the current contract with April, no responses
- ✓ Contact information for new board members–proof not received copy of contract

Complaint of April Sunshine

Violations of statutes:

- ❑ NRS 116.31175 Maintenance and availability of books, records and other papers of association
- ❑ (NRS 116.31175 (1D)) Response—refusal to review contract
- ❑ (NRS 116.31175 (2)) Response—past 21 days requirement
- ❑ (NRS 116.31175 (8)) Charging \$15 hour vs \$10 hour

- ❑ NRS 116A.620 Management agreement:
- ❑ (NRS 116A.620(1A)) Unsigned contract—lacked April's signature
- ❑ (NRS 116A.620(4)) Within 30 days after an election or appointment of a new member to the executive board, the community manager shall provide the new member with a copy of the management agreement.

Summary

Research:

Read governing document

Read NRS statutes

Request records/supporting documents

Attend meeting

Sending letter of complaint:

Acknowledge it is a complaint–possible additional action with the Real Estate Division

Allegations specific–provide incidents,facts

Provide supporting documentation

Summary

Sending Complaint to Division:

- Fill out necessary form 530 or 514A
- Provide Certified mail receipt/signature card if required
- Stay on topic–only fill out matching allegations to letters sent to person or board(no additional allegations)
- Be specific in details–supporting details no fillers
- All complaints become confidential once received by the Division

Summary

Sending Complaint to Division:

- Keep to the facts avoid story-telling
- List NRS statutes and/or governing documents which support allegations—"no random feelings" .."I just know they are doing something wrong!"
- List specific section of NRS statute and how it correlates to complaint
- Type additional comments and tab exhibits
- Concise and clear resolutions

Summary

Sending Complaint to Division:

- Have one spokesperson and can list additional supporters
- Put all allegations in one complaint—do not have to file separate affidavits for each alleged violation
- Do not attempt to reword the same allegations under separate statute in an attempt to send in additional complaints
- “More” is not necessarily better— we will contact you if additional information is needed
- You have a right to file a complaint, but we cannot tell you to file or if your complaint has merit.
- Once a complaint is filed with the Division we may not discuss the issue.